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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

SUMMARY RECORD OF THE 702nd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 23 May 2001, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Turkey (continued) (CRC/C/51/Add.4; CRC/C/Q/TUR/1 (list of issues); written replies of the Government of Turkey to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Turkey took places at the Committee table.

2. Mr. SUNGAR (Turkey) noting that Turkey had been criticized for treating certain population groups better than others, said that such criticism was part of an orchestrated campaign against the country implying that citizens of Kurdish origin were victims of discrimination. That was a completely unfounded claim, as Turkey practised no discrimination on the basis of ethnic origin. In fact, the situation was comparable to that of post-Second-World-War Italy, when there was de facto economic and social discrimination between the inhabitants of the industrialized and developed North and those of the rural South. In Turkey, there were significant differences in development between the East and the West, but that had nothing to do with the ethnic origins of the population groups in question.

3. The Roma were subjected to hardship not only in Turkey, but in all countries. Nevertheless, from a strictly legal standpoint, education was compulsory for all children living in Turkey, whatever their ethnic origin.

4. Some 15 years earlier Turkey had declared a moratorium on the application of capital punishment, which in any event could not be applied to a child under 18. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir, had visited Turkey at the invitation of the Turkish Government, and had noted that the number of violations had declined dramatically, although some problems still required action.

5. Ms. AYTAÇ (Turkey) acknowledged that honour crimes occurred from time to time, mainly in the East and South of the country. Article 262 of the Penal Code adopted in 1926 stipulated that in cases of homicide or assault, adultery committed by the perpetrator's wife or illegal sexual relations committed by the perpetrator's sister could be considered as extenuating circumstances. In the context of the times, such a provision could arguably have been acceptable. That was no longer the case, especially as the provision in question violated the dignity of women and was in complete contradiction with the prescriptions of various international instruments. The draft of the new criminal code would therefore abolish it. The General Directorate of the Status and Problems of Women supported awareness programmes in that sense. Various panels had been organized to study the question, and the outcome of their work had been published and widely circulated by the General Directorate. The General Directorate had also produced television broadcasts on the subject.

6. She acknowledged that the Turkish Civil Code distinguished between children born in wedlock and those born out of wedlock. The authorities were aware that the provision was not in line with the Convention on the Rights of the Child. It had therefore been modified in the new draft civil code currently under consideration.

7. Mr. SUNGAR (Turkey) said that the reservations entered by Turkey on ratification of the Convention were based on the provisions of the Treaty of Lausanne of 24 July 1923, on the way in which "ethnic minorities" were mentioned in the Convention and on certain provisions of the Turkish Constitution, in particular article 42, which stipulated that "no language other than Turkish shall be taught as a mother tongue to Turkish citizens".

8. Mr. YAMAÇ (Turkey) said that the Constitution and Turkish laws expressly prohibited the police from using torture or violence. The Turkish delegation could therefore not accept the allegations of police brutality. Certain isolated acts of violence might have been committed by some policemen, but it was in no way a systematic policy. Policemen who committed illegal acts were subject to prosecution, and the General Directorate of Police had established mechanisms to prevent police brutality.

9. Furthermore, his delegation could not accept the allegations that 2,000 children had been abducted in the country. According to the figures provided by the General Directorate of Police, in four years 451 children had been abducted in Turkey. Lastly, it should be noted that the General Directorate of Juvenile Police was responsible for implementing preventive, rather than repressive, measures in respect of offences committed by or against minors.

10. Mr. SUNGAR (Turkey) acknowledged that there had been a problem of birth registrations in Turkey, but said that the situation had improved considerably. People failed to register their children for a variety of reasons, including for example the desire to allow their sons to avoid compulsory military service or simply because of communications problems in certain regions. Measures had been taken to encourage parents to register their children's births, and also to penalize those who failed to do so.

11. Corporal punishment in schools and the home could be qualified as a cultural phenomenon, but the situation was gradually improving. The issue had been blown out of proportion by a number of non-governmental organizations (NGOs), and the Special Rapporteur on torture had unfortunately concluded that such corporal punishment was comparable to torture. That was an outlandish assertion, as there were penalties for teachers who treated their students cruelly. That being the case, it could reasonably be asked whether a slap should really be qualified as corporal punishment. Such behaviour was disappearing in urban families, although it was still found in rural ones.

12. Ms. YURDAKÖK (Turkey) said that 19 per cent of curative health facilities were private, representing 7 per cent of all available hospital beds, and that the private sector accounted for 29 per cent of the country's health expenditure.

13. Mr. SUNGAR (Turkey), turning to the subject of citizenship, referred to article 66 of the Turkish Constitution, which was quoted in paragraph 190 of the report, and noted that the acquisition of nationality was governed by the law. The law drew on two main principles. The

first consisted in ensuring that no one would be deprived of nationality and that Turkish nationality would be given to any child who was not able to receive the foreign nationality of his father or mother, and the second consisted in ensuring that dual citizenship should be limited to the extent possible.

14. With regard to religious freedom, compulsory religious instruction had been the subject of lengthy debate in Turkey. In previous times there had been no compulsory religious courses in secondary schools. Gradually, however, most Turkish citizens had called for the introduction of such courses. They did not represent religious instruction per se, but rather classes in ethics and the history of religion.

15. It was true that persons under 18 years of age were prohibited from joining organizations. That provision must be seen in its historical context. Turkish citizens had been politicized throughout their history, which had resulted in a tradition of aggravated conflict and terrorism. It had thus been thought that it would be harmful to youths if they were allowed to join youth movements affiliated with political parties. Nevertheless, with the amendment of the law, children under 18 would be permitted to join students' associations.

16. Referring to the article in the Washington Post reporting the arrest of 28 young boys of Kurdish origin, he said the boys in question had not been arrested because they were Kurdish, but rather because they had taken part in a demonstration without requesting authorization. It appeared that the demonstration had been an innocent one and that they had been apprehended, albeit for a very short time, by an overzealous, somewhat over-conscientious officer. However, the incident did not warrant the immense amount of publicity that had been given to it.

17. Mr. KAHRAMANOGLU (Turkey), replying to a question about the relationship between the central administration and municipalities in the child protection system, said that the Social Services and Child Protection Agency, which worked under the authority of the Prime Minister, had been established in 1983 by Act No. 2828. The Agency was financially and administratively autonomous, and operated in accordance with the principle of decentralization. Its main purpose was to provide social services, mainly to families and children, and to establish guidelines for the establishment, operation and inspection of public and private social service and child protection bodies. It also had responsibility for defining the national policy for social services, and it fostered cooperation among NGOs and with various public and private bodies. In addition to its General Directorate at the central level, the Agency included local provincial and district directorates, of which 35 had been established in 2000 to meet the public's growing needs.

18. A Social Services Advisory Committee had been established at the national level; its members (representatives of ministries, other public bodies and NGOs) were appointed by the President of the Republic. There were also social services advisory councils throughout the country's 82 provinces. The councils were chaired by the Governor of each province and were made up of local officials and other representatives, and representatives of NGOs and local government agencies.

19. Apart from the Agency, several other types of public and private bodies were involved in the child welfare system, beginning with the municipalities, which established shelters for street children, counselling centres for families and children, health and rehabilitation clinics for

disabled children, recre tion clubs for young people and day-care centres. That having been said, much remained to be done to coordinate all those efforts satisfactorily. The bill to strengthen decentralization, which was to be adopted shortly, would lead to progress in that area. To coordinate the implementation of the Convention, a Higher Council, headed by the Minister of State for social services and child welfare, and a Sub-Committee for Monitoring and Evaluating the Rights of the Child had been established. Secretariat services for the two bodies were provided by the Social Services and Child Protection Agency.

20. Ms. KUT (Turkey) said that the referral and guidance services provided a valuable contribution in ensuring coordination between the various public and private child welfare bodies and the relevant ministries, in the fields of health and education in particular.

21. Mr. OYMAN (Turkey) said that workers were able to join a trade union from the age of 16 onwards; with a view to Turkey's entering the European Union the ministries had begun work on harmonizing legislation. A new law had been adopted making school enrolment compulsory up to the age of 15, thereby invalidating the provisions of article 67 of the Labour Code, setting the minimum age of admission to employment at 15 (13 for light work by children provided it did not harm their health, school attendance or vocational training). However, children could still be employed in light work, strictly outside school hours.

22. Ms. TIGERSTEDT-TÄHTELÄ said it was regrettable that minors 18 years of age were not allowed to form or join associations. She requested details on the provisions of the Civil Code which limited children under 18 in the exercise of their civil rights, a rule that ran counter to the spirit of the Convention. In that connection, she would like to know what measures were taken to promote children's right to express their opinions and participate in decision-making, including decisions concerning family life. She would also like further information on the discretionary powers of the courts, both civil and criminal, in hearing children's views.

23. Ms. AL-THANI requested further details on the structures available for disabled children and the difficulties encountered in providing support activities for them. She would like to know whether specialists provided health care and counselling for child victims of physical abuse and whether the legislation covered all the measures needed for their protection. It was not sufficient to note the existence of discrimination; efforts had to be made to combat it. She asked whether measures had been taken to reduce inequalities among communities with regard to vaccination and infant mortality rates, due to discriminatory measures.

24. Ms. EL GUINDI asked how the Turkish authorities intended to reduce the gap between the school attendance and literacy rates of girls and boys.

25. Ms. OUEDRAOGO said she would like to know whether the courses in parenting, which had been suspended for lack of funds, were going to resume. She asked whether bilateral agreements had been concluded to facilitate recovery of maintenance from persons living abroad, whether steps had been taken to reduce the differences in infant and maternal mortality rates between regions, whether a national policy existed to combat malnutrition, whether measures had been taken to improve access to adequate sanitary facilities (latrines, in particular) and to clean drinking water, especially in densely populated areas such as certain neighbourhoods in Istanbul, whether measures were taken to combat the effects of pollution on children, whether

campaigns were organized to promote breastfeeding and to raise awareness, especially in the rural areas, of practices harmful to the health of children, and whether there were plans to establish protected play areas in order to reduce the number of accidents.

26. Ms. CHUTIKUL asked whether children working in garment factories or garages could be regarded as performing "light work". She would also appreciate further information on the capacity and operation of the specialized child health bodies and on the measures taken to combat trafficking in women and children.

27. Ms. SARDENBERG, noting the importance of birth registration, recommended that awareness-raising campaigns should be organized for parents. She would like to know how the State intended to help single-parent families and parents of disabled children and what progress had been made on the questionnaire designed to establish a demographic, social, educational and cultural profile of disabled people being prepared by the State Institute of Statistics. She would also like to know what happened to disabled children who could not attend school and were employed in the State or private sector.

28. Mr. CITARELLA requested details on the severely discriminatory measures that reportedly existed against Kurds in Turkey (as indicated in a European Union report published in 2000). As all children should enjoy the same rights, he would appreciate further information on the situation of children born out of wedlock. He asked whether it was true that if parents could not agree on a decision concerning the child, the father's view always prevailed.

29. Ms. OUEDRAOGO noted that the number of HIV-positive children and children with AIDS was on the increase in Turkey and asked whether programmes existed to raise young people's awareness of HIV/AIDS. She would also like to know the number of teenagers with syphilis and whether courses on responsible sex were provided for school children. What was the situation of pregnant girls in school? Could they continue their schooling after the birth?

30. The CHAIRPERSON asked whether the authorities had developed a policy of giving preference to foster placement over institutional placement for children deprived of a family environment and what their position was on adoption. He would also like to know the situation of disabled children: were there specialized institutions for them and, if so, what were their admission criteria? Did parents with a disabled child receive financial support to help them rear the child? Did children attending boarding schools visit their families regularly? He would also like to know whether specific measures existed for refugee and asylum-seeking children, especially when unaccompanied. Was the Government in favour of seeing them return to their countries of origin? Had programmes been designed for internally displaced persons, especially children? He would also like to know whether there were plans to establish centres for children working in the streets other than the existing ones and plans to improve young offenders' conditions of imprisonment. Was there a limit on the duration of pre-trial detention? Who took the decision to place someone in pre-trial detention? Did legislation exist providing for legal aid for minors in custody, and, if so, was it always observed? Would the projects undertaken in the framework of the International Programme on the Elimination of Child Labour (IPEC) be continued?

31. Ms. KUT (Turkey) said that the main development project under way was being conducted in the south-eastern region of the country. It was a water management and irrigation project on the banks of the Tigris and Euphrates rivers, which would have a positive impact on the socio-economic situation of the people. A master plan prepared for that region focused on social development. About 20 or so multipurpose community centres had been established to provide health education courses for women and children. Another significant development project, sponsored by UNDP, was being launched, targeting young people in the south-eastern part of the country. For all those projects, which focused on human development and were based on the principle of sustainability and participation, in particular of children, local and foreign investment was needed. As the population in that region was extremely scattered, children were taught by mobile education units. School enrolment among girls was being stepped up. School curricula included a section on prevention of drug abuse and awareness-raising campaigns were organized for parents. The sale and trafficking of narcotics were punishable under the Penal Code. Children were protected against sexual abuse under article 11 of Law No. 2559 on the Duties and Powers of the Police. Turkey supported the Optional Protocol on the sale of children, child prostitution and child pornography. Article 264 of the Civil Code required parents to raise their children to the best of their ability and to provide appropriate training for disabled or mentally retarded children. Article 26 of the Civil Code gave effect to the provisions of article 9 of the Convention by stipulating that parents had custody of children and that custody could not be withdrawn without a valid legal reason. The Civil Code had established the institution of tutorship to protect the rights granted minors by law in case of withdrawal of parental authority. There were no specific legal provisions concerning article 9, paragraph 4 of the Convention, but all the Convention's articles had automatically become part of internal law on Turkey's ratification of the Convention. Article 61, paragraph 4 of the Constitution, which laid down an obligation for the State to take all necessary measures to integrate children in need of protection into society, was in keeping with article 20, paragraph 1 of the Convention. In accordance with article 273 of the Civil Code, judges would separate children from their parents and place them with another family or in an institution if their physical or mental health was endangered or if they were neglected. In addition to the Civil Code, the Municipalities Code and Code of Civil Procedure contained child welfare provisions, but the Social Services and Child Protection Agency Law contained the most detailed provisions. There were shelters for children under 12 and training institutes open to children aged from 13 to 18. Small units had been established within institutions to enable children to be brought up in a family-type environment. The authorities also made a point of encouraging foster placement and adoption. The Government provided financial support for families with economic difficulties in order to keep children in their natural milieu whenever possible. Placement in alternative care must take place on the basis of a court decision in all cases. The Ministry of National Education was responsible for organizing special vocational training courses for disabled children in accordance with the Apprenticeship and Vocational Training Law. The Ministry of Health was responsible for providing health protection and social rehabilitation services for disabled children.

32. Ms. FERTEKLIGIL (Turkey) said that in December 2000 Turkey had signed the United Nations Convention against Transnational Organized Crime and its two protocols. The ratification process was well under way and Parliament should have ratified the instrument by the end of 2001.

33. Ms. YURDAKÖK (Turkey) said that her country was well aware of the disparities between regions where infant mortality was concerned, a situation it refused to regard as unchangeable. Hence the Government had for 10 years been conducting programmes for the most vulnerable regions, located in the south-eastern part of the country. The programmes, which were based on prevention, vaccination and action to combat respiratory diseases, had been successful in reducing the mortality rate among under-fives in the region in question by 40 per cent, as against 20 per cent in the rest of the country. To further that work, the country had begun a programme of integrated care for childhood diseases. Since many studies had shown that infant mortality was closely linked to the mother's cultural level, Turkey had focused considerable efforts on educating mothers, in particular through community centres where women from 15 to 49 could go to obtain advice on hygiene and health. Another project, supported by the United States Department of Health, sought to expand access to health services. The project was based on the services of 3,700 local volunteers, who provided mothers with health counselling. According to a survey conducted among women admitted to hospitals and clinics, 267,000 women had been catered for by the project, and it was hoped that the figure would rise to 700,000 in the following six years. In order to develop the health infrastructure in the south-eastern part of the country and thus expand access to health care, the salaries of doctors and health care personnel were higher in that region than in the rest of the country. In addition, provincial health centres and hospitals were open on a continuous basis in order to care for the greatest possible number of patients. There was a cultural problem in the eastern part of the country which hampered access to health care: women in the rural areas could not go to a health centre alone and had to be accompanied by their husband or a relative.

34. Another project aimed at preventing deaths of newborns on the first day of life had been under way for six years, based on training of trainers: people were trained and then taught to transmit that training to health-care personnel at the local level. The project had caused the number of deaths on the first day of life to drop from 7 per cent to 2 per cent during the period under review. Integrated care for childhood diseases, which included teaching mothers how to administer medicines, care for sick children and, especially, when and where to seek help, should make it possible to reduce those rates even further.

35. She noted that Turkey had in 1995 been one of the first countries to launch the Expanded Programme of Immunization, which had temporarily brought the vaccination coverage rate up to 90 per cent. Unfortunately it had not been able to maintain that rate, in particular in the most disadvantaged regions of the country, where it had subsequently dropped to 60 per cent. The Government had consequently begun a vaccination programme targeting the 23 provinces in the south-eastern part of the country, in cooperation with the World Bank.

36. Turkey was aware of the importance of nutrition programmes and, in close cooperation with UNICEF, had established a National Committee for Nutrition, which addressed not only malnutrition but all diseases linked to nutritional deficiencies, such as deficiencies in micronutrients, fluoride or iodine. A large-scale nutritional programme was to be set up during 2001. Regarding breastfeeding, Turkey had signed the International Code of Marketing of Breastmilk Substitutes but found it difficult to deal with the manufacturers of infant formula, for whom it represented an important market with its 1.3 million infants. In her view national and international paediatricians' associations should mobilize in order to encourage exclusive breastfeeding.

37. Although Turkey had not yet attained all the objectives of the World Summit for Children concerning children and development in the 1990s, it had developed a comprehensive children's health policy.

38. Aware of the epidemiological risk it was running by maintaining a lower vaccination rate, Turkey had in 1997 added the hepatitis B vaccination to its systematic vaccination programme, which had brought coverage of hepatitis B to about 70 per cent.

39. A recent study had shown that in the past 10 years the harmful practice of wrapping infants up had declined in the rural areas.

40. She acknowledged that the health of Turkey's 13 million teenagers had been largely neglected, particularly in the area of reproductive health. The average conception rate was 2 per cent among girls aged 15 and 23 per cent among girls aged 19. In addition, when girls became pregnant they were suspended from school and could not complete their studies. Abortion up to the 10th week of pregnancy with parental consent had been legal since 1983.

41. Until quite recently there had been no sex education classes in the schools other than biology classes. However, the Government had just begun a pilot sex education project in the Istanbul schools, in cooperation with the Ministry of Education and UNICEF.

42. With 1,000 reported cases of AIDS, Turkey was aware that it had reached a critical level and that the number of cases might well escalate over the following decade. Concerning public awareness of the modes of transmission of AIDS and other sexually transmitted diseases, including syphilis, and the preventive measures needed to contain them, a survey had shown that men living in urban areas were very well-informed, as 95 per cent had precise knowledge of those subjects, in contrast to 88 per cent of women. In the countryside, however, the figures were 88 per cent for men and 72.1 per cent for women, which underlined the need to continue the prevention and information campaigns conducted by the media in cooperation with the Ministry of Health.

43. Efforts to prevent accidents among children from 5 to 15 years of age should also be stepped up, by educating mothers and requiring municipalities to build safer play areas for children.

44. Mr. SUNGAR (Turkey), replying to a question on the school attendance rate among children of refugees, said that, according to the Office of the High Commissioner for Refugees, only 15 per cent of such children had been enrolled in school in 1999. The reason for that situation was that parents, believing their situation to be temporary, were reluctant to send their children to Turkish schools.

45. Internally displaced persons in Turkey were people who had fled regions affected by terrorism; the Government attached the greatest importance to the project designed to help them return to their villages of origin.

46. Ms. AYTAÇ (Turkey) said that, as part of their "discretionary power", judges were required to evaluate all evidence and take the best interests of the child into account when handing down judgements concerning custody or the determination of maintenance payments.

47. Under Turkish legislation, a child under 11 could not be prosecuted or convicted. However, children from 11 to 18 could be remanded in custody for 48 hours. In some cases custody could be extended to four or seven days, by order of the Public Prosecutor's Office or the judge hearing the case, respectively. In any event, parents were informed immediately when a minor child was taken into custody, and a lawyer was appointed by the court.

48. Mr. SUNGAR (Turkey) said that his country was fully aware that the international assistance it was receiving could come to an end. He noted, however, that Turkey had been cited as a model for the implementation of projects that it had undertaken to conduct in certain areas, especially projects recommended by the International Labour Organization. That being the case, he believed it likely that international assistance would be maintained.

49. Ms. TIGERSTEDT-TÄHTELÄ summarized the main points to be included in the Committee's concluding observations on Turkey's report. In the section on factors and difficulties impeding the implementation of the Convention, the Committee would emphasize the country's economic adjustment problems and the extensive damage left by the two earthquakes. In the section on general measures of implementation, the Committee would encourage the State party to withdraw the reservations it had made on signing the Convention and confirmed on ratifying it. It would encourage the State party to continue its efforts to bring its domestic legislation into conformity with the Convention. It would also ask the State party to define more precisely its priorities and spheres of action, and to assign them the maximum amount of resources possible. Finally, the Committee would ask Turkey to intensify its efforts to establish an ombudsman's post for receiving complaints.

50. In the section on general principles, the Committee would invite the State party to incorporate into its legislation the principles of non-discrimination, best interests of the child and respect for the views of the child. Regarding the right to life, the Committee would take note of the amendment to the law on crimes committed in the name of honour, and would recommend that the State party should conduct awareness-raising campaigns in that connection, especially among religious and community leaders.

51. In the section on civil rights and freedoms, the Committee would undoubtedly ask the State party to remove article 13 from its Civil Code.

52. In the section on family environment, specifically the paragraph on children deprived of a family environment, the Committee would ask the State party to improve the situation of children in institutions. Regarding abuse and neglect, the Committee would advise the State party to conduct surveys on violence within the family, ill-treatment and other types of violence, including sexual violence, against children, would recommend the adoption of child-friendly judicial investigation procedures and would encourage the establishment of rehabilitation programmes for such children. The Committee would also encourage the State party to ensure that corporal punishment was brought to an end.

53. In the area of health and well-being, the Committee would no doubt advise the State party to monitor the situation of disabled children and to allocate more resources in that area. More generally, the Committee would recommend that Turkey should improve children's health, without discrimination, and should focus in particular on primary health care and the decentralization of the health-care system. It would also ask the State party to step up its efforts to promote adolescent health, including mental and reproductive health.

54. In the section on education, leisure and cultural activities, the State party would be invited to reduce the school drop-out rate, in particular among girls.

55. Mr. SUNGAR (Turkey) expressed appreciation for the constructive discussion that had taken place on Turkey's initial report and said that the members' comments would be duly taken into consideration in the planning of future programmes.

The meeting rose at 6.05 p.m.